

REMARKS

This responds to the Office Action mailed on April 22, 2005.

This communication is accompanied with a Notice of Appeal.

§102 Rejection of the Claims

Claims 1-2, 6-12, 25-32 were rejected under 35 U.S.C. § 102(e) for anticipation by Ito et al. (US 6,484,093). It is of course fundamental that in order to sustain an anticipation rejection that each and every element in the rejected claims must be taught or suggested in the Ito reference. Here, the Examiner asserts and continues to maintain that Ito teaches data compression. Applicants continue to respectfully disagree.

First, it appears that the Examiner has cited and selected two sources for which a definition of compression is being relied upon. The proper pages for the definition of compression were not included with the action and the sources cited are pay sources. Therefore, Applicants are not able to acquire the definitions that the Examiner is citing without purchasing the entire dictionaries being cited by the Examiner. Applicants believe this to be unreasonable and therefore respectfully request that the proper copies of the page references be resubmitted and the final rejection be reasserted or held in abeyance or that the rejections be withdrawn in view of the remarks presented herein and below.

A Google search on “data compression” yields a plethora of definitions all of which appear to have a common meaning, which in fact comports with what Applicants have been asserting. The definition of data compression is unambiguous; it means reducing the size of the original data or storage associated with the original data. The Examiner asserts that because a data file is chunked into several independent and discrete portions it is a form of compression. Applicants assert this is incorrect; the original data for each portion is not reduced in size in Ito; it is increased in size with header files. A single portion is not a compression of the entire original file that includes several other portions. In other words, if a file F is chunked into portions A, B, and C; one cannot assert that portion A is a compression of F because A is not F; F is A, B, and C (all three portions combined).

If a portion of an original file were considered compression, then one could truncate a file by 90% arbitrarily and assert the truncated file is a compression. This is not true because the truncated file cannot be used to reassemble the original file. If F is compressed then the compressed version includes A, B, and C (all portions of F) and takes up less space or storage than the original F did. Similarly, an independent portion of data in Ito cannot recreate the entire data, it only recreates a distinct portion of the original data and for that distinct portion it cannot be said to be a compression because the Ito portion is larger than the original distinct portion with the added header information. The Examiner's interpretation of compression does not comport with how one of ordinary skill in the art views compression and does not comport with definitions that Applicants have found.

The Examiner has also directed the Applicants to FIG. 4(A) in Ito again in support of data compression and asks why this does not imply data compression. Ito does not imply data compression because as the Applicants have continued to assert this diagram cannot be interpreted in isolation from the specification, it includes terms that are unique to the Ito specification. Once again, when this FIG. 4(A) is read in the context of Ito's description it becomes clear that FIG. 4(A) is simply a visualization diagram of route data. Route data includes segments, each segment includes two portions a header and information, the header data is exploded in the view of FIG. 4(B) as is the body information. The Examiner appears to be asserting that because Ito produced a diagram that gives a classification or title to groups of data for purposes of illustration and claiming that these titles can be used to imply compression. Applicants respectfully asserts that this is not appropriate and not a reasonable interpretation of Ito or that diagram.

The Examiner has asked Applicants to prove a negative. This is improper logic and cannot be done and is not the legal burden placed on the Applicants under the Patent Laws. If the Examiner believes that FIG. 4(A) is data compression then the Examiner should have provided an interpretation as to why this is the case with respect to 4(A); from this interpretation Applicants could prove the assertion is incorrect. But, the Examiner simply asserts prove why FIG. 4(A) *does not* imply compression. *Emphasis added.* This is a negative condition, Applicants cannot possibly disprove all interpretations of FIG. 4(A) because Applicants does not have or know all interpretations and still does not know what the Examiner's interpretation is

with respect to FIG. 4(A). The question is really what would one of ordinary skill in the art thought of FIG. 4(A) and the answer to that was supplied in prior actions and above. The interpretation of one of ordinary skill in the art would not have believed that FIG. 4(A) was related to data compression; FIG. 4(A) would be viewed as a logical data model that is exploded into its detail in FIG. 4(B).

Accordingly, Applicants respectfully request that the rejections be withdrawn and the claims allowed.

§103 Rejection of the Claims

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito et al. in view of Robinson et al. (US 5,995,970). Claims 3-5 are dependent from independent claim 1; thus, for the remarks presented above with respect to claim 1, the rejections of claims 3-5 should be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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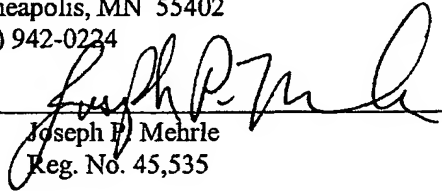
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Date

6-22-05

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of June, 2005.

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